

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALI ABED,

Plaintiff,

v.

HEATHER EMINO, et al.,

Defendants.

No. 2:21-cv-01152-DJC-JDP (PS)

ORDER

On July 24, 2023, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No party filed objections.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the proper analysis. In addition, the Court has reviewed the Magistrate Judge's December 22, 2022 Order (ECF No. 4) which the Court finds is also supported by the record and the

proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The proposed Findings and Recommendations filed July 24, 2023, are
ADOPTED;

2. This action is dismissed without prejudice for failure to prosecute, failure to
comply with court orders, and failure to state a claim for the reasons set forth in the
December 22, 2022 order; and

3. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

Dated: September 6, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE